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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/096,560	06/12/1998	RAYMOND WALDEN BENNETT III	A00424(AMT-9	1956

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LAW OFFICE OF DALE B. HALLING, LLC
655 SOUTHPOINTE CT, SUITE 100
COLORADO SPRINGS, CO 80906

EXAMINER	
CUMMING, WILLIAM D	
ART UNIT	**PAPER NUMBER**
2617	
MAIL DATE	**DELIVERY MODE**
06/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/096,560	BENNETT, ET AL	
	Examiner	Art Unit	
	WILLIAM D. CUMMING	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on 3/9/07

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

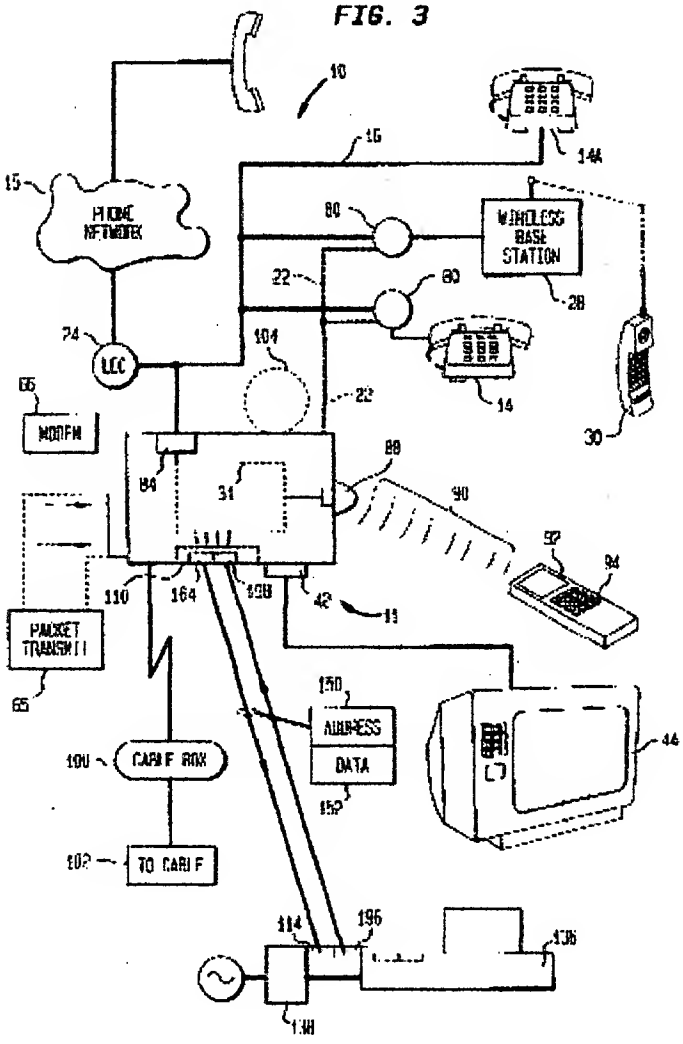
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sizer, II, et al** in view of **Snelling, et al** and admitted prior art.

Sizer, II, et al disclose all subject matter claimed, except for a wireless local loop transceiver to establishing a wireless local loop point to point link to a geographically separate, non-mobile base station which is attached to the PSTN.

FIG. 3



Snelling, et al teaches the use of a home gateway system (figures 12A-13B) comprising a wireless local loop transceiver (#680) for the purpose of integrating the security and home automation features with information services.

Hence, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of a wireless local loop transceiver capable of establishing a wireless local loop point to point link to a geographically separate, non-mobile base station which is attached to the PSTN, as taught by **Snelling, et al**, in the home gateway system of **Sizer, et al** in order to provide a local loop in places which does not have an existing cable or telephone communication infrastructure facilities.

Regarding smart card interface, voice processing system, speaker verification module and speech recognition, these are old and well known features of an alarm or security system and the Examiner also takes Official Notice as such in the Office action dated November 22, 2000 and now admitted prior art.

It would have been very obvious to incorporate the old and well known features like the smart card interface, voice processing system, speaker verification module and speech recognition in the prior art security system in order to the user to easily operate, like through verbal commands, the home security system.

. *"In considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which*

one skilled in the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968). The rationale supporting an obviousness rejection may be based on common knowledge in the art or *"well-known"* prior art. The examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being *"well- known"* in the art. In re Ahlert, 424 F.2d 1088, 1091, 165 USPQ 418,420 (CCPA 1970). If justified, the examiner should not be obliged to spend time to produce documentary proof. If the knowledge is of such notorious character that official notice can be taken, it is sufficient so to state. In re Malcolm, 129 F.2d 529, 54 USPQ 235 (CCPA 1942). If the applicants traverse such an assertion the examiner should cite a reference in support of his or her position. ***If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution.*** Applicants have not seasonable challenge or traverse the well known statement during examination. If something is prior art, it is taken as being available as prior art against the claims. Admitted prior art can be used in obviousness rejections. In re Nomiya, 509 F.2d 566, 184 USPQ 607, 610 (CCPA 1975).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Sizer, II, et al** in view of **Snelling, et al** as applied to claim 1 above, and further in view of **Storek, et al** for the same reason as stated in paragraph 9 of the Office action dated November 30, 2004.

6. Claims 3-5 and 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sizer, II, et al** in view of **Snelling, et al** as applied to claim 1 above, and further in view of **Launey, et al** for the same reason as stated in paragraph 10 of the Office action dated November 30, 2004.

7. Claims 1, 3-6 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Launey, et al** in view of **Snelling, et al**.

Launey, et al disclose all subject matter, note paragraph 11 of the Office action dated November 30, 2004. **Snelling, et al** teaches the use of a home gateway system (figures 12A-13B) comprising a wireless local loop transceiver (#680) for the purpose of integrating the security and home automation features with information services.

Hence, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of a wireless local loop transceiver capable of establishing a wireless local loop point to point link to a geographically separate, non-mobile base station which is attached to the PSTN, as taught by **Snelling, et al**, in the home gateway system of **Launey, et**

al in order to provide a local loop in places which does not have an existing cable or telephone communication infrastructure facilities.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Sizer, II, et al** in view of **Snelling, et al** as applied to claim 1 above, and further in view of **Storek, et al** for the same reason as stated in paragraph 12 of the Office action dated November 30, 2004.

Response to Arguments

9. Applicant's arguments filed March 8, 2007 have been fully considered but they are not persuasive.

During examination before the Patent and Trademark Office, claims must be given their broadest reasonable interpretation and limitations from the specification may not be imputed to the claims (Ex parte Akamatsu, 22 USPQ2d, 1918; In re Zletz, 13 USPQ2d 1320, In re Priest, 199 USPQ 11). A prior art reference must be considered together with the knowledge of one of ordinary skill in the pertinent art, In re Samour, 197 USPQ 1. During patent examination, the pending claims must be *"given the broadest reasonable interpretation consistent with the specification."* Claim term is not limited to single embodiment disclosed in specification, since number of embodiments disclosed does not determine meaning of the claim term, and applicant cannot overcome *"heavy presumption"* that term takes on its ordinary meaning simply by pointing to preferred

embodiment (Teleflex Inc. v. Ficosa North America Corp., CA FC, 6/21/02, 63 USPQ2d 1374). Applicants always had the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA1969).

Snelling, et al explicitly states, "*FIG. 1 is a schematic hypothetical floor plan for a residence or business containing one simple embodiment of a communications web according to the present invention. The floor plan shows a Network Control Unit or "NCU" 100 which terminates four central office POTS lines or connections designated "CO1" through "CO4." In embodiments other than the particular one shown in FIG. 1, the connections may occur other than in the so-called "**local loop.**" They may also occur in any medium, including wireline, coaxial, fiber, terrestrial radiofrequency link, satellite link. Each connection may supply any number and sort of communications channels, including analog or digital according to any present or future standard, format or protocol. The connections may also originate in or contain signals transported by telecommunications infrastructure or networks other than the PSTN, whether switched or non-switched, circuit based switched, packet based switched or otherwise. For convenience in disclosing structure and operation of communications webs according to the present invention, however, reference will be made to the PSTN, but in a non-limiting fashion.*"

AND...

"*In greater detail, the Network Interface 650 of the NCU may be modular in design and contains the circuits that connect to the public switched telephone network for accommodating various media, including twisted pair, coax, fiber and wireless, and various modes, including analog, digital or a hybrid. A Network Interface may be modular and portions for all lines may be implemented in applications specific integrated circuitry ("ASIC") medium to accommodate analog circuits, or services requiring, among other interfaces, ISDN, T-1, CATV/COAX, ATM, micro-ATM, AMPS, N-AMPS, TDMA digital cellular, CDMA digital cellular, analog or digital SMR (Nextel), PCS, LEO satellite, geosychronous satellite, Internet protocol or any other present or future form of* ***wireless or wireline local loop*** *or other telecommunications infrastructure service. As shown in FIG. 3B, the Network Interface for a system according to the present invention which accommodates four POTS lines, could take the form of a quad arrangement of independent Direct Access Arrangement ("DAA") circuits 690, each having appropriate transformer, isolator and line protection circuitry as required, a two to four wire hybrid 700, and a coder/decoder ("code") 10. The Network Interface circuitry is accordingly adapted for appropriate isolation, impedance matching, line protection, medium conversion (two wire to four wire) and analog-to-digital/digital-to-analog conversion in order for its output signal 720 to be coupled to CAB 660. (The functionality in POTS versions of*

direct access arrangement circuits 690 comprises conventional components and is conventionally implemented."

AND...

*"For any of the **wireless local loop** or so called fixed wireless services including satellite, the Network Interface may be a wireless modem which includes a radio receiver or transceivers and appropriate modulation/demodulation, coding and decoding circuitry. When the Network Interface is a wireless modem/Radio Transceiver, the NCU 100 operates as a radio transponder or rebroadcast unit, communicating with the PSTN via one wireless protocol, and with the WAUs 200, handsets 300 and other components of systems according to the present invention via the same or perhaps different protocols. This aspect of the invention may be counter-intuitive: If the connection to the PSTN is wireless, one approach is simply to connect directly to any location in the residence instead of relaying signals through the NCU 100. However, systems according to the present invention address a problem this approach would present, because Radio Transceivers that interface to the PSTN typically must comply with elaborate air interface standards having precise frequency control, well-defined RF bandwidth, higher transmit power (to accommodate the greater distance to a cell tower or PCS antenna), better receiver sensitivity, higher battery drain and shorter battery life, and increase complexity and expense. A handset 300 or a WAU 200 according to the present invention, however, is a far simpler and less expensive device which need only*

accommodate the present invention's less stringent internal air interface standards, but nevertheless retain the functionality to provide corded quality and reliability for indoor/nearby outdoor service that is inexpensive, compact, lightweight, flexible and manufactured and sold, if desired, tailored to specific devices such as faxes or various digital standards which not every subscriber may wish to employ."

Conclusion

10. If applicants wish to request for an interview, an *"Applicant Initiated Interview Request"* form (PTOL-413A) should be submitted to the examiner prior to the interview in order to permit the examiner to prepare in advance for the interview and to focus on the issues to be discussed. This form should identify the participants of the interview, the proposed date of the interview, whether the interview will be personal, telephonic, or video conference, and should include a brief description of the issues to be discussed. A copy of the completed *"Applicant Initiated Interview Request"* form should be attached to the Interview Summary form, PTOL-413 at the completion of the interview and a copy should be given to applicant or applicant's representative.

11. **THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. If applicants request an interview after this **final rejection**, prior to the interview, the intended purpose and content of the interview should be presented briefly, in writing. Such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to **restate arguments** of record or to **discuss new limitations** which would require more than nominal reconsideration or new search will be denied.

14. Electronic Notification of Outgoing Correspondence (e-Office Action)

Effective December 16, 2006, the United States Patent and Trademark Office (Office) will begin a pilot program to provide a limited number of Private PAIR users with the option of receiving electronic notification of some outgoing correspondence related to their US patents and US national patent applications retrievable through Private PAIR instead of a paper mailing of the correspondence. Patent Cooperation Treaty (PCT) applications will not be included in this pilot.

Participants in this pilot program will no longer receive paper mailings for most correspondence originating from a Technology Center. However, since several areas of the Office have independent mailing processes, pilot participants will continue to receive paper mailings for correspondence originating from several areas of the Office including, but not limited to: Office of Initial Patent Examination, Petitions, PCT, Appeals, Publications, Interference, and Reexamination.

A Private PAIR user will be able to opt-in to receive electronic mail message (email) notifications of outgoing correspondence by selecting the appropriate choice on the Customer Number Details screen for a customer number associated with a correspondence address after logging in to Private PAIR and providing between one and three email addresses to be used for these notifications. The Private Pair user must be a registered patent attorney or agent of record, or a pro se inventor who is a named inventor in the application associated with the customer number through which Private PAIR is accessed, The Office will then send a notification to each provided email address if a new outgoing correspondence has been prepared for the patents or patent applications associated with the user's Customer Number. Each email notification will list all applications, associated with the corresponding Customer Number, in which new outgoing correspondence was prepared for the corresponding electronic application files within the preceding 24 hours. Each email notification will be entered into the corresponding application files. The new outgoing correspondence will become available for viewing and downloading through Private PAIR within two business days of the date of the email notification.

Applicants will have the ability to opt-in or opt-out of receiving electronic notification of Office actions at any time. However, the status of each individual outgoing correspondence, whether electronic or paper, will be determined at the time of the printing of the form PTOL-90 cover sheet (at the time the outgoing correspondence becomes available for viewing, i.e., the date indicated on the correspondence).

The email notification described above will be sent after the Office action has been prepared and entered into the record. The period for reply to any Office correspondence to which a reply is required will commence on the date indicated on the outgoing Office such outgoing correspondence for all other purposes (e.g., 37 CFR 1.71(g)(2), 1.97(b), 1.701 through 1.705). The Office communication will become available for downloading and viewing through Private PAIR on the date indicated on the correspondence.

If none of the documents in each of the applications listed in the email notifications are viewed or downloaded through Private PAIR within seven calendar days after the emails are sent, a courtesy postcard notifying the applicant of the availability of electronic Office action will be mailed to the correspondence address associated with the applicant's corresponding Customer Number for each of those applications. The mailing of a courtesy postcard will not restart the time period for reply, and the period for reply to any outgoing Office correspondence to which a reply is required will continue to be measured from the date indicated on such outgoing Office correspondence.

Please note that the email notification procedure outlined above is simply an automated email sent by the Office to alert applicant that an official Office correspondence has been entered in the official record that will be available for viewing via private PAIR. It is not an email sent by the examiner and does not alter the Office policy prohibiting an applicant or examiner from engaging in improper email correspondence. See MPEP section 502.03.

The e-Office Action Pilot Program will begin with a limited number of participants. The Pilot Program will last approximately six months. Upon the conclusion of the pilot program the success of the pilot will be evaluated. At that time decisions will be made as to whether or not to make modifications to the e-Office action program and whether or not to permanently implement the program.

Thus, if the pilot program is successful and a decision is made to permanently implement the program, it is expected that the e-Office Action Program will go into full production sometime around June 2007 at which point the program will be open to all users (registered patent attorney or agent of record, or a pro se inventor who is a named inventor in the application associated with the customer number through which Private PAIR is accessed) having a Customer Number and access to Private PAIR.

For further information please contact the Patent Electronic Business Center (EBC) 866-217-9197 (toll-free) or 571-272-4100 Monday through Friday from 6 a.m. to 12 Midnight Eastern Time or send e-mail to ebc@uspto.gov

Date 12/19/2006

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILLIAM D. CUMMING** whose telephone number is 571-272-7861. The examiner can normally be reached on Monday-Thursday 11am-8:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WILLIAM D. CUMMING
Primary Examiner
Art Unit 2617

Wdc

William Cumming
Primary Patent Examiner
william.cumming@uspto.gov